

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGEL SANTIAGO,

Plaintiff,

-against-

ID&T/SFX Mysteryland LLC, Bethel Woods Center for the Arts, D & E Partners, Inc., S & B Group Enterprises, LLC, Christie Lites LLC, Contemporary Services Corporation, CSS Security, Inc., Green Mountain Concert Services, Inc., Strike Force Protective Services, Inc., Venue Smart, Kel Executive Services, ABC Corps. 1-100 (fictitious entities), & John Does 10100(fictitious names),

Defendants.  
-----X

Civil Action Number: 1:17-cv-00101

**ANSWER**

**Trial by Jury Demanded**

Judge: PAE

The defendant GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., by their attorneys, Kowalski & DeVito, as and for an answer to the complaint of the plaintiff(s) herein, respectfully alleges upon information and belief:

**NATURE OF CASE**

**FIRST:** Denies paragraph 1 of the complaint.

**PARTIES**

**SECOND:** Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15 and 16 of the complaint.

**THIRD:** Denies each and every allegation set forth in paragraph 11 of the complaint except admits that defendant Green Mtn. Concert Services, Inc. i/s/h/a Green Mountain Concert Services, Inc., was hired by defendant ID&T/SFX Mysteryland LLC to provide some security services for the event along with other security vendors.

**THE INCIDENT**

**FOURTH:** Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs 17, 18 and 19 of the complaint.

**FIFTH:** Denies paragraph 20 of the complaint.

**FIRST COUNT**

**SIXTH:** Repeats the admissions and denials to the paragraph of the complaint repeated and realleged in paragraph 21 of the complaint.

**SEVENTH:** Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 22 of the complaint and respectfully refers all questions of law to the court.

**EIGHTH:** Denies paragraphs 23, 24 and 25 of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

That the injuries and damages to the plaintiff was caused in whole or in part or were contributed to by the culpable conduct and want of care on the part of the plaintiff and any such alleged damages should be fully or partially diminished by said culpable conduct and want of care pursuant to CPLR Article 14-A.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

That all risks and dangers connected with this action were known to and assumed by the plaintiff(s) herein, were open, obvious, notorious and apparent and the plaintiff(s), in undertaking an inherently dangerous activity, assumed the risk thereof.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

That the plaintiff received remuneration and/or compensation for some or all of his claimed economic loss and that the defendant is entitled to have plaintiff's award, if any, reduced by the amount of that remuneration and/or compensation, pursuant to Section 4545(c) of the Civil Practice Law and Rules.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

That the liability of the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., if any, does not exceed fifty percent (50%) of the liability assigned to all persons and that the liability of the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., if any, for non-economic loss is limited pursuant to Article 16 of the CPLR.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

That the plaintiff failed to mitigate plaintiff's damages.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

That if plaintiff sustained any injury or incurred any loss or damages as alleged in the Complaint, the same were caused in whole or in part by actions or omissions of another or others over whom the answering defendant is not responsible, and whose conduct the defendant had no duty or reason to anticipate or control.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

That plaintiff's injuries, if any, were proximately caused by an unforeseeable, unanticipated, independent, intervening and/or superseding event beyond the control and unrelated to any conduct of the answering defendant.

**AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION  
AND/OR INDEMNIFICATION AGAINST THE CO-  
DEFENDANTS, ID&T/SFX Mysteryland LLC, Bethel Woods  
Center for the Arts, D & E Partners, Inc., S & B Group  
Enterprises, LLC, Christie Lites LLC, Contemporary  
Services Corporation, CSS Security, Inc., Strike Force  
Protective Services, Inc., Venue Smart, Kel Executive Services,  
and ABC Corps. 1-100 (fictitious entities), & John Does  
10100(fictitious names), THE DEFENDANT, GREEN MTN.  
CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN  
CONCERT SERVICES, INC., ALLEGES:**

That any injuries and damages sustained by the plaintiff herein as a result of the alleged incident described in the plaintiff's Complaint were sustained in whole or in part by reason of the negligence or other breach of duty on the part of the co-defendants, ID&T/SFX Mysteryland LLC, Bethel Woods Center for the Arts, D & E Partners, Inc., S & B Group Enterprises, LLC, Christie Lites LLC, Contemporary Services Corporation, CSS Security, Inc., Strike Force Protective Services, Inc., Venue Smart, Kel Executive Services, and ABC Corps. 1-100 (fictitious entities), & John Does 10100(fictitious names).

That if it is determined that the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., is liable in any degree to the plaintiff(s), whether because of negligence, by operation of law or any other reason, the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., is entitled to have the liability apportioned among and between the defendants by way of contribution and/or is entitled to be indemnified by one or more of said co-defendants.

WHEREFORE, the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., demands judgment dismissing the Complaint of the plaintiff(s) herein with costs and further demands that the ultimate rights of the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., and the co-defendants, ID&T/SFX Mysteryland LLC, Bethel

Woods Center for the Arts, D & E Partners, Inc., S & B Group Enterprises, LLC, Christie Lites LLC, Contemporary Services Corporation, CSS Security, Inc., Strike Force Protective Services, Inc., Venue Smart, Kel Executive Services, and ABC Corps. 1-100 (fictitious entities), & John Does 10100(fictitious names), be determined as between themselves in that the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., have judgment over and against the co-defendants, ID&T/SFX Mysteryland LLC, Bethel Woods Center for the Arts, D & E Partners, Inc., S & B Group Enterprises, LLC, Christie Lites LLC, Contemporary Services Corporation, CSS Security, Inc., Strike Force Protective Services, Inc., Venue Smart, Kel Executive Services, and ABC Corps. 1-100 (fictitious entities), & John Does 10100(fictitious names), for common law indemnification and/or contribution in whole or in part, for the amount of any sum which may be recovered herein against the defendant, GREEN MTN. CONCERT SERVICES, INC. i/s/h/a GREEN MOUNTAIN CONCERT SERVICES, INC., together with attorneys' fees and the costs and disbursements of this action.

Dated: Brooklyn, New York  
October 5, 2017

Yours etc.,

KOWALSKI & DEVITO

By: 

William A. Prinsell (WAP)

Attorneys for Defendant  
GREEN MTN. CONCERT SERVICES,  
INC. i/s/h/a GREEN MOUNTAIN  
CONCERT SERVICES, INC.  
12 Metrotech Center, 28<sup>th</sup> Floor  
Brooklyn, New York 11201-3837  
(718) 250-1100  
Our File No.: NYNY- 32842

TO: Scott B. Piekarsky Esq.  
Piekarsky & Associates, L.L.C.  
Attorneys for Plaintiff  
191 Godwin Avenue  
Wyckoff, NJ 07481  
(201) 560-5000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGEL SANTIAGO,

Plaintiff,

-against-

ID&T/SFX Mysteryland LLC, Bethel Woods Center for  
the Arts, D & E Partners, Inc., S & B Group Enterprises,  
LLC, Christie Lites LLC, Contemporary Services  
Corporation, CSS Security, Inc., Green Mountain  
Concert Services, Inc., Strike Force Protective Services,  
Inc., Venue Smart, Kel Executive Services, ABC Corps.  
1-100 (fictitious entities), & John Does 10100(fictitious  
names),


Defendants.  
-----X

Civil Action Number: 1:17-cv-  
00101

Judge: PAE

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2017 the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules On Electronic Service upon the following parties and participants.

  
\_\_\_\_\_  
William A. Pripsell

TO: Scott B. Piekarsky Esq.  
Piekarsky & Associates, L.L.C.  
Attorneys for Plaintiff  
191 Godwin Avenue  
Wyckoff, NJ 07481